

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NIHAL ERKAN, on behalf of herself and all  
others similarly situated,

Plaintiff,

-against-

BLUE & CREAM, LLC,

Defendant.  
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**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

23-CV-6241 (RER) (VMS)

**RAMÓN E. REYES, JR., District Judge:**

In a report and recommendation dated March 12, 2025, (ECF No. 16, the “R&R”), Magistrate Judge Vera Scanlon recommended that the Court grant Plaintiff’s motion for default judgment in part, conditioned on Plaintiff’s compliance with Local Rule 55.2(c) by March 19, 2025, and deny in part without prejudice and with leave to file a motion for attorneys’ fees by April 2, 2025. (*Id.*) Judge Scanlon advised the parties that they had 14 days from the date of that R&R in which to file objections. (*Id.*) The R&R was electronically served on March 12, 2025, and mailed to the pro se defendant at its business mailing address on March 12, 2025. To date, neither party has filed an objection to the R&R. To date, Plaintiff also has failed to comply with Local Rule 55.2(c). The Court notes that Magistrate Judge Scanlon has already provided Plaintiff with a waiver for an earlier failure to comply with Local Rule 55.1(b) for Plaintiff’s request for an entry of default. (*Id.*). The Court will therefore not provide Plaintiff with another waiver or with an extended leave to comply with Local Rule 55.2(c) for an entry of default judgment.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is

ORDERED that the R&R is adopted in its entirety, and this action is dismissed without prejudice due to the Plaintiff's failure to comply with Local Rule 55.2(c) as directed by the R&R. The Clerk of Court is directed to enter judgment in favor of defendant and to close this case.

SO ORDERED.

/s/ RAMÓN E. REYES, JR.

RAMÓN E. REYES, JR.  
United States District Judge

Dated: March 27, 2025  
Brooklyn, NY